

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 6/21/2016	(3) CONTACT/PHONE Cheryl Journey, Chief Building Official / (805) 781-1314	
(4) SUBJECT Request to authorize the Director of Planning and Building or designee (Chief Building Official), to submit a letter to the Regional Water Quality Control Board advising of San Luis Obispo County's intention to prepare a Local Area Wastewater Management Plan. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: 1. Authorize the Director of Planning and Building, or designee (Chief Building Official), to submit a letter to the Regional Water Quality Control Board advising of San Luis Obispo County's intention to prepare a Local Area Management Plan. 2. Direct staff to complete a Local Area Management Plan for wastewater with corresponding amendments to Title 19 - Building and Construction Ordinance.			
(6) FUNDING SOURCE(S) Current Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input checked="" type="checkbox"/> Board Business (Time Est. <u>45 minutes</u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Cheryl Journey, Chief Building Official

VIA: Bill Robeson, Deputy Director, Permitting

DATE: 6/21/2016

SUBJECT: Request to authorize the Director of Planning and Building or designee (Chief Building Official), to submit a letter to the Regional Water Quality Control Board advising of San Luis Obispo County's intention to prepare a Local Area Wastewater Management Plan. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Authorize the Director of Planning and Building or designee (Chief Building Official), to submit a letter to the Regional Water Quality Control Board advising of San Luis Obispo County's intention to prepare a Local Area Management Plan.
2. Direct staff to complete a Local Area Management Plan for wastewater with corresponding amendments to Title 19 - Building and Construction Ordinance.

DISCUSSION

On September 27, 2000, Governor Gray Davis signed into law Assembly Bill 885 (Water Code 13290). This bill required the State Water Quality Control Board (SWQCB) to adopt regulations or standards for the permitting and operation of on-site wastewater treatment systems (OWTS) by January 1, 2004.

After multiple delays, on June 19, 2012, the SWQCB adopted regulations entitled "Water Quality Control Policy for the Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (Policy)." On November 13, 2012, the Office of Administrative Law approved the Policy which established an effective date of May 13, 2013. Our local Regional Water Quality Control Board, (RWQCB), adopted these new changes into the Local Basin Plan on May 30, 2013, with an effective date of June 3, 2014.

These new regulations formally take effect in May 2019. The new regulations break-up septic systems into five tiers:

- Tier 0 covers septic systems already in use. If the septic system is operating properly, then the septic system may remain operational.
- Tier 1 provides guidelines for the basic level of service the County may offer for new or replacement septic systems. These regulations are very strict.
- Tier 2 allows the County the flexibility to provide basic and Advanced Treatment Systems for the public through the development of a Local Area Management Plan (LAMP). The Plan must be approved by the Board of Supervisors and the RWQCB by May 2019.
- Tier 3 covers septic systems in areas with water impairment. Our County does not have any of these areas.

- Tier 4 covers septic systems that have failed and need to be repaired. When these systems are repaired they return to Tier 0, unless the repair required the addition of an advanced septic system which will require annual inspection and permitting.

The requirements for the Tier 1 provider are onerous, and leave the local agency with few options for helping home owners and builders with placement of conventional and advanced septic systems. Any proposed septic system that does not meet the Tier 1 regulations will have to be approved by the RWQCB. This path will cost the owner more money for permits, and take longer for approval. The Planning and Building Department is seeking to become a Tier 2 provider. Adoption of the LAMP is required to become a Tier 2 provider and allow the County to provide oversight and permits for on-site wastewater systems.

The Department of Planning and Building requests authorization from the Board of Supervisors to send a Letter of Intent to the RWQCB. The Letter of Intent informs RWQCB that we will be moving forward with the adoption of a Local Area Management Plan, (LAMP). This is important as it allows the County to continue to plan check and inspect septic systems locally without RWQCB involvement. As stated earlier, the Tier 1 standards are very strict. Tier 1 standards only allow County to approve basic septic systems. Tier 1 standards will limit the development of many lots. Tier 1 standards require all septic systems to be designed by an Engineer. The Tier 1 design rates limit the County to approving septic systems with percolation rates between 1-120 minutes per inch. Tier 1 standards prohibit the County from approving seepage pits, at grade septic systems, or mounds (we currently have this authority). Tier 1 regulations do not allow for advanced septic systems and will require all new lots to be a minimum of 2 ½ acres.

As a Tier 2 provider, the County will be performing 99% of all septic system plan checks and inspections (through the Planning and Building Department) without the extra delay and cost of sending permit applicants to the RWQCB for review and approval.

A requirement of the LAMP is that we will keep track of local public water well conditions to assure there is no groundwater degradation due to local septic systems. We will be required to maintain in-house records of all septic system installations, repairs, and upgrades. We will conduct education and outreach programs to owners of septic systems, and provide help with designs for reuse of graywater.

The RWQCB requires notification within two years of the adoption of the Policy for any local agency to become a Tier 2 provider. As stated earlier, these regulations change the way local agencies are allowed to oversee onsite wastewater systems. If the chooses not to pursue adoption of a LAMP, the by default we become a Tier 1 provider.

The County has informed RWQCB of this June 21, 2016 hearing date requesting authorization to proceed with the LAMP.

The Department of Planning and Building is requesting the Board of Supervisors authorization to send a Letter of Intent to the RWQCB. This Letter of Intent is not an approval of the LAMP, but rather an information document to the RWQCB notifying them we are interested in becoming a Tier 2 provider and will be going through the normal ordinance adoption procedures, including, public input, CEQA review, public hearings, and Board of Supervisor's approval.

OTHER AGENCY INVOLVEMENT/IMPACT

San Luis Obispo County Department of Environmental Health and Regional Water Quality Control Board.

FINANCIAL CONSIDERATIONS

There is no immediate fiscal impact associated with this item. The Department of Planning and Building Fiscal Year 2015-2016 Final Budget will include sufficient funding to cover the start-up costs associated with developing a Local Agency Management Plan (LAMP). After developing the LAMP, the Department of Planning and Building proposes to return by May 2017 for Board of Supervisors approval of the proposed LAMP prior to it being submitted to the Regional Water Quality Control Board. The Department of Planning and Building will return to the Board in 2017 with proposed fees that reflect the implementation costs, as well as ongoing inspections, enforcement, and administrative costs associated with the LAMP.

RESULTS

If the Board authorizes sending a Letter of Intent to the RWQCB, The Department of Planning and Building will start the public review process necessary to move the LAMP forward for RWQCB acceptance and Board of Supervisors approval. This will include formation of an advisory committee comprised of Ag. Advisory, Realtor Board, Homeowner Associations, Building Industry, and Septic Service providers. When the Advisory Committee comes to a consensus on the proposed LAMP, the Department of Planning and Building will then initiate outreach to affected community stakeholders in the form of public meetings, at minimum two in the South County and two in the North County prior to returning to the Board for approval.

This request is consistent with providing a safe, healthy and livable community.

ATTACHMENTS

- Attachment 1 - Water Board OWTS Policy- Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems
- Attachment 2 – Draft LAMP
- Attachment 3 - Draft letter to the RWQCB stating County's intent to pursue options toward adopting a LAMP
- Attachment 4 - Letter to RWQCB informing them of June 21, 2016 date for authorization